Our Government may extend by notification in the Gazette, all or any of the remaining sections of this Regulation to any town or part of a town and may define for the purposes of this Regulation the limits of such town or part of a town, and may, from time to time, cancel or modify any such notification or alter the limits so defined."

The amendment, it will be observed, involves no material change. The object is simply to make the provisions technically complete.

Seconded by Mr. Bensley.

Carried.

Mr. Bensley: I beg to move that the Bill, as now amended, be passed into law and that it come into force on the 1st Vaikasy 1071.

The motion was put and agreed to.

THE GAME PRESERVATION BILL.

Mr. Bensley said:—In sending back the Bill to the Select Committee for reconsideration, the Council, it will be remembered, placed an important suggestion in their hands as to whether the object aimed at by the Bill could not be as effectively secured by rules framed under sections 21 and 22 of the Forest Regulation (II of 1068). The Committee have given the question their most anxious consideration. They welcomed it, in fact, and would have most gladly adopted it if it appeared feasible and expedient. They feared serious practical difficulties and have come to the unanimous conclusion that mere rules under the said Regulation cannot in all respects take the place of the Bill and that, having regard to the limited scope of its immediate operation, there need be no apprehension of any hardship in its working.

The purposes intended are, no doubt, embraced within the purview of the Forest Regulation (sections 21 and 22). But the question, the vital question, is, whether there is proper agency available without which the rules must prove worse than a dead letter. Here I will read out of the report—"We entertain serious doubts as to whether with the agency available viz. the Forest and Police Departments, full effect can be given to these rules in the area covered by the Bill. The area of the tract is 1,500 square miles. The strength of the Police within that area is not more than 20, and there is, we believe, only a single forest depôt in the tract, and the stations are on the main roads and far away from where protection under the Bill is necessary. One of the chief provisions of our Bill is to secure by law the assistance of owners or managers of property and it is chiefly by this means that we expected to effectually secure practical results. Such powers are not and cannot be conferred under the Forest Rules."

I need hardly repeat to the Council that I consider it an important duty of Government to protect the beautiful and splendid fauna of the country from indiscriminate slaughter. With these remarks I beg to move that the Bill as originally revised by the Select Committee be taken into consideration.

Seconded by Mr. Prince.

Carried.

Mr. Krishnaswamy Rao: With the permission of the President I beg to move one or two amendments.

In section 2, I would omit the words 'jungle-fowl' and 'hares'. From the petitions received I am inclined to think that their inclusion in the definition is likely to work hardship to the poor Kanikars and others who live mostly on such game.

Seconded by Mr. Muthunayagom Pillai.

The motion was put to the Council and lost.

Mr. Krishnaswamy Rao: The next amendment I have to move is this—"Substitute one-fourth for one-eighth in the Proviso to section 3." Mr. Maltby who is competent to speak on the subject suggested *half* a mile as the limit which should be fixed for the exercise of the right of self-defence. I think one-eighth of a mile is too little. I consider one-fourth of a mile to be a reasonable limit.

Seconded by Mr. Prince.

Carried.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. Krishnaswamy Rao continued :—I have one more amendment to propose viz., that the following be substituted for section 4 and that the first three paras in Schedule No. III and the words "Provided that" in the last para be omitted.

"No person shall shoot game within the limits described in Schedule No. I unless he shall have obtained a license from a First Class Magistrate.

Any person who wishes to obtain a license shall apply in writing.

The application shall specify the name, occupation and place of residence of the person in whose name the license is to be issued.

On the application being granted, the applicant shall pay a fee of Rs. 10.

The license shall be in the form prescribed in Schedule III.

The First Class Magistrate may, if he considers there is any good reason (to be recorded by him in writing), refuse to grant a license. Such refusal shall be subject to revision by the Dewan. The holder of a license shall, if requested by any person named in section 5 of this Regulation, produce the same for inspection.

No license shall be granted for shooting a female or immature male of the bison (Bos gaurus) and the ibex (Hemitragus hylocrius)."

The object of this amendment is simple. The proper place for the conditions under which the licenses are to be issued is the body of the Regulation—not the Schedule. Further, great difficulty is often experienced in getting a refund of the fee paid along with the application in cases where the license is refused. The proposed amendment renders quite clear when the payment should be made i. e. when the license is granted, thus obviating the inconvenience.

Seconded by Mr. Thanu Pillai.

Carried.

President : Now the great question is about the discretion to be used in granting authority to private persons under section 5. This, I confess, will be no easy work to Government especially as their discrimination in the matter appears to be the only safe-guard against the possible abuse of the power. The Committee seem to lay much stress upon the necessity for such extra aid.

Mr. Thanu Pillai : This aspect of the question did not escape us in the Select Committee and I am free to admit that one of the reasons which weighed with us in finally adopting the provisions was the fact that Government would give the power only to those in whom they would have confidence.

Mr. Krishnaswamy Rao : But once the power is given there is the danger of invidious distinctions. It might often be embarrassing.

After some further discussion it was resolved that the Bill be read again on a future day of which notice shall be given.

IRRIGATION BILL.

Mr. Thanu Pillai said :—

I beg to move that the Report of the Select Committee on the Irrigation Bill which I presented at the last meeting be taken into consideration. I would make a few observations on the Bill. In the first place I wish to point out that the Bill is, in the main, an enabling measure. In view of the widely differing conditions, in respect of the nature of the irrigation works, the manner of their execution and up-keep, the mode of regulating the water-supply and generally, the rights and obligations of the ryots, it has been deemed expedient to embody in the Bill only certain general principles and to take the necessary legal power to regulate details by rules and executive orders. It may also be remarked that the proposed measure does not trench on any vested rights or interests, but seeks chiefly to consolidate and give legal sanction to practices which are or have been in vogue.

The Bill classifies irrigation works into 'major,' 'minor' and 'petty' according as the area served by them exceeds 200 acres, is between 5 and 200 acres, and up to 5 acres respectively. The importance of the classification lies in the difference in responsibility in the matter of the construction, repair and maintenance of the works under each group. The Bill throws on the Government the entire responsibility of executing and maintaining all major works, and leaves to the proprietors

LIBRARY ARCHIVES Kerala Legislative Assembly